IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.273 OF 2006

Narayan Balkrishna Nadkarni, .. Applicant
Vs
The State of Maharashtra, .. Respondent'
Ms Usha Andewar, for the applicant.
Mr P.A.Pol, APP for the respondent.

CORAM : D.B.BHOSALE, J.
DATED : 8th AUGUST, 2006

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the respondent.

2. Rule. Returnable forthwith. The learned counsel for the respondents waive service. By consent, rule is heard forthwith.

3. This revision is directed against the concurrent findings recorded by the courts below convicting the applicant-accused for the offence punishable under section 332 of Indian Penal Code and sentencing him to suffer R.I for three months and to pay a fine of Rs.500/-, and in default to suffer S.I. for two months.

4. The applicant-accused has been convicted on the allegation that on 20.7.1994 when the complainant, driver of BEST bus, was on duty there was a minor collision of the riksha, driven by the applicant-accused, and the bus, driven by the complainant. On that account, there was scuffle in

which the complainant allegedly sustained abrasions. Ms. Andewar, learned counsel for the applicant, on instructions, submits that she is not pressing the revision application on merits and the applicant would be satisfied if fine is enhanced and his sentence of imprisonment is reduced to till rising of the court. The applicant is present in the court. Her submissions were not seriously opposed by the learned APP. After having considered the submissions advanced by the learned counsel for the accused and having gone through the impugned judgment, the revision is partly allowed in the following terms:

(i) The judgment and order of conviction under section 332 of IPC stands confirmed. The sentence to suffer R.I for three months stands reduced to till rising of the court.

(ii) The fine is enhanced to Rs.5,000/- to be paid within four weeks from today, and in default to undergo S I for two months.

(iii) With these directions, the rule is disposed of.

(D.B.BHOSALE,J.)